

February 2, 2011

Blue Ribbon Commission on America's Nuclear Future  
c/o U.S. Department of Energy  
1000 Independence Ave, SW  
Washington, DC 20585

Dear Chairmen Hamilton and Scowcroft, and Members of the Blue Ribbon Commission:

We are writing to express our strong opposition to centralized "interim" storage of irradiated nuclear fuel, a concept that appears to be a getting positive reception in the Blue Ribbon Commission's public discussions. Centralized "interim" storage creates *de facto* permanent waste sites and unnecessary risks to the public without actually solving the fundamental public health and security threats posed by current on-site storage. Instead, we urge you to incorporate into your recommendations the Principles for Safeguarding Nuclear Waste at Reactors, which calls for safeguarding irradiated fuel at reactor sites while we look for a long-term management alternative.

### **No Meaningful Reduction in Waste Sites**

Creating centralized "interim" surface storage sites would not meaningfully reduce the number of locations where high-level radioactive waste is stored, as long as most commercial nuclear reactors remain in operation or new ones come online. These "interim" sites would become indefinite long-term parking for high-level wastes. Meanwhile, irradiated fuel generated by nuclear reactors would continue to be stored on-site at reactor sites, because it must thermally cool and radioactively decay for at least five years before it can be transported. Even the most optimistic proposals for moving irradiated fuel to Yucca Mountain involved more than two decades. Thus, any operating reactor will inevitably have at least five years' worth of irradiated fuel stored on site, and likely significantly more.

### **Not Ready for Large-Scale Transport**

"Interim" storage would double the number of waste shipments required in a complete waste program, and greatly increase the number of shipment miles made on trucks, trains and barges, because the waste would eventually need to be transported from the interim site(s) to a permanent site. Given the prerequisites for safe transport identified by the National Academy of Science (NAS) in its February 2006 study on the transport of nuclear waste, it is clear that no government or private entity is prepared in the near-term for the safe large-scale shipment of irradiated fuel.<sup>1</sup> The NAS report identifies several important issues that still need to be studied before any large-scale shipments begin, including full-scale physical crash testing of transport

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<sup>1</sup> National Academy of Science, *Going the Distance? The Safe Transport of Spent Nuclear Fuel and High-Level Radioactive Waste in the United States* (2006), <http://fermat.nap.edu/catalog/11538.html>.

packages under severe accident conditions, security issues of transportation, and extreme accident conditions with very-long-duration fires.

### High Cost

Centralized “interim” storage would be extremely expensive. According to an MIT report from 2001, the waste storage casks alone that would be required at these sites currently cost between \$90 and \$210 per kilogram (or \$41 to \$95 per pound) of waste stored. In other words, to create enough “interim” storage for the more than 65,000 metric tons of commercial nuclear waste currently in the U.S. would cost between \$5.9 billion and \$13.7 billion, not including licensing, transportation, and other expenses.<sup>2</sup>

### Environmental Justice Issues

Native American communities have typically been targeted for radioactive waste storage sites due to weaker regulatory requirements and dire economic situations.<sup>3</sup> Tribal sovereignty means that Native American lands are exempt from state law and many environmental regulations. An important lesson needs to be learned from the effort to cite the Private Fuel Storage, LLC (PFS) “interim” storage facility on the tribal reservation land of the Skull Valley Band of Goshute Indians in Utah. In 1996, Tribal Chairman Leon Bear, whose leadership status was already disputed at that time, signed a lease agreement with PFS for an undisclosed amount of money without the consent of the Skull Valley Goshute General Council, which is the full adult membership of the tiny tribe of just over 100 individuals.<sup>4</sup> Despite protests by many members of the tribe, local governments, the State of Utah, and 437 public interest, environmental, and environmental justice advocacy organizations,<sup>5</sup> the NRC licensed the facility in 2005. Ultimately, it was the influence of Sen. Orrin Hatch of Utah in 2006 that caused the Bush Administration’s Department of Interior to veto the lease and to block the use of federal land for an intermodal transfer facility. The DOI’s Bureau of Indian Affairs concluded that the “uncertainty concerning when the [Spent Nuclear Fuel] might *leave* trust land, combined with the Secretary’s practical inability to remove or compel its removal once deposited on the reservation, counsel[s] disapproval of the proposed lease.”<sup>6</sup> While a court recently overturned

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<sup>2</sup> Allison McFarlane, “Interim Storage of Spent Fuel in the United States,” *MIT Annual Reviews Energy Environment* 2001. 26:201–35.

<sup>3</sup> NIRS, *Radioactive Racism: The History of Targeting Native American Communities with High-Level Atomic Waste Dumps*, June 14, 2005, <http://www.nirs.org/radwaste/scullvalley/historynativecommunitiesnuclearwaste06142005.pdf>.

<sup>4</sup> NIRS, *Skull Valley Goshutes/PFS Timeline*, June 14, 2005, <http://www.nirs.org/radwaste/scullvalley/goshutepfstimeline061405.pdf>.

<sup>5</sup> Letter to NRC Commissioners from 437 organizations, July 7, 2005, <http://www.nirs.org/radwaste/scullvalley/skullvalleygoshutesgroupltr772005.pdf>.

<sup>6</sup> Bureau of Indian Affairs, Department of Interior, *Record of Decision for the Construction and Operation of an Independent Spent Fuel Storage Installation (ISFSI) on the Reservation of the Skull Valley Band of Goshute Indians (Band) in Tooele County, Utah*, Sept. 7, 2006, Page 29, [http://www.deq.utah.gov/Issues/no\\_high\\_level\\_waste/index.htm](http://www.deq.utah.gov/Issues/no_high_level_waste/index.htm).

that decision, it is not clear that the site will ever accept irradiated fuel, because a federal wilderness area encircling the Skull Valley Reservation was created in early 2006.

In addition, Department of Energy (DOE) sites, often near low-income communities of color, are frequently proposed at “interim” sites for storing the nation’s high-level radioactive waste. These communities have already been forced to shoulder disproportionate radioactive risks from nuclear weapons production. “Interim” storage at DOE sites would be contrary to legal agreements made with States and tribes. DOE has committed to cleaning up these sites, not adding more pollution to them. Fuel from the Fermi 1 and Three Mile Island meltdowns has been stored at Idaho National Laboratory (INL) since the early 1970s and 1986, respectively. A legally-binding agreement between the State of Idaho and the federal government requires that all high-level waste be removed from the site by 2035. Additionally, “interim” storage of irradiated fuel at a DOE site may well have the effect of driving the same site to reprocess in order to make it appear that the waste is being removed, but in reality only complicating waste management and furthering the contamination at the site.

Providing “incentives,” that is, bribes to low-income communities of color to accept highly radioactive waste is a textbook violation of environmental justice principles and will inevitably lead to decades of public and elected official opposition and legal battles that will detract from real solutions.

### **Legitimate Public Concerns**

The Commission must also recognize that opposition to a transportation program and questions about its safety and competence are completely rational and cannot be dismissed as an unreasonable fear of radiation. According to the 2006 NAS report, “most people recognize that transportation programs are run by fallible institutions and that institutional and human error play a large role in determining transportation risks.”

Instead of wasting ratepayer and taxpayer funds to move irradiated fuel around the country in the pretext of a solution, the safest, most responsible, and most economic action to take would be to improve the security and safety of waste storage at reactor sites. Nuclear waste fund fees could be applied to cover the cost of this urgent need. Given the 20-year license extensions that the NRC is granting to operating reactors, there will be few decommissioned reactor sites in the next several decades with so-called “orphan waste.” Therefore, managing the waste currently at these decommissioned reactor sites can be addressed on a case-by-case basis.

Over 170 national and local organizations from all 50 states have signed onto the Principles for Safeguarding Nuclear Waste at Reactors. While on-site storage is not a permanent solution, it is the best medium-term option for addressing the serious and urgent security and safety threats posed by current irradiated fuel storage.

Sincerely,

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